

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HY CITE ENTERPRISES, LLC,

Plaintiff,

v.

STEVEN POLLACK,

Defendant.

ORDER

12-cv-73-bbc

Plaintiff Hy Cite Enterprises, LLC has filed a motion for a preliminary injunction to enjoin defendant Steven Pollack “from initiating and/or pursuing arbitration against Hy Cite regarding any claims associated with Defendant’s distributorship with Hy Cite.” Dkt. #5. One of the arguments defendant raises in response is that plaintiff does not have standing to bring this case because he named Hy Cite *Corporation* in his arbitration demand, not Hy Cite Enterprises, LLC. In its reply brief, defendant says that Hy Cite Corporation no longer exists and that it is the successor entity to Hy Cite Corporation. Because defendant has not had an opportunity to respond to those new facts, I will give him an opportunity to do so now.

In particular, defendant should state whether he continues to assert his objection to

plaintiff as the proper party to bring this action. If he does, he should cite evidence that disputes the evidence cited by defendant or law showing that, even if plaintiff is the successor entity for Hy Cite Corporation, it still does not have standing to sue.

ORDER

IT IS ORDERED that defendant Steven Pollack may have until April 4, 2012, to inform the court whether he continues to object to plaintiff Hy Cite Enterprises, LLC's standing to bring this case and, if so, on what grounds.

Entered this 28th day of March, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge